



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 05577-99
4 November 1999

GYSGT [REDACTED]
[REDACTED]
[REDACTED]

Dear Gunnery Sergeant [REDACTED]

This is in reference to your application dated 5 January 1999, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your previous case, docket number 194-98, was denied on 30 July 1998.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 4 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your current application, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the memorandum from the Headquarters Marine Corps Performance Evaluation Review Branch, dated 8 April 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The new undated supporting statement from a gunnery sergeant did not persuade the Board you were held accountable for areas not your responsibility. In this regard, they noted the reviewing officer says "As the Manpower Chief [you were] responsible for all the administrative areas of the department." The gunnery sergeant's statement that he "did sense personality conflicts" between you and your officer in charge did not convince them that such a conflict existed; in any event, they noted it is a subordinate's obligation to get along with superiors. In view of the above, the Board again voted to deny relief. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely, .

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

5577-99

IN REPLY, REFER TO:

1600
MMER
8 Apr 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: REQUEST FOR RECONSIDERATION IN THE CASE OF GUNNERY
SERGEANT [REDACTED] USMC

Encl: (1) GySgt [REDACTED] DD Form 149 of 5 Jan 99

1. Both the PERB and BCNR previously denied Gunnery Sergeant [REDACTED] request for the removal from her official military record of the fitness report for the period 960127 to 961224 (TR). Your 00194-98 applies.

2. Gunnery Sergeant [REDACTED] is again asking for elimination of the fitness report identified above, and as new material evidence she has furnished a letter from Gunnery Sergeant [REDACTED]. In his statement, Gunnery Sergeant [REDACTED] identifies himself as the heretofore "unidentified male staff noncommissioned officer" who was allegedly not held accountable for certain failings within the office. While this statement is arguably new, we do not find that it is of sufficient substance to question the thorough and detailed adjudication of the report by the Reviewing Officer (Colonel [REDACTED]) in which he resolved the issues that have been resurfaced in reference (a).

3. The PERB declines to reconsider and forwards the enclosure for final action.

[REDACTED]
[REDACTED]
Head, Performance Evaluation
Review Branch
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps

(3) PERB'S DENIAL OF RECON